

## CLASSIFICATION OFFICE DECISION

**Title of publication:** 5604565e3db73e0d

**Other known title(s):** Not stated

**OFLC ref:** 1200777.003

**Medium:** Computer Image File Printout

**Publisher:** Not stated

**Country of origin:** Not stated

**Language:** Not applicable

**Applicant:** Waitakere District Court

<b>Classification:</b>	Unrestricted.
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**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 01 October 2012

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** No notice of decision has been issued

### Summary of reasons for decision:

The printout has a photographic image showing a naked prepubescent girl and a bare-breasted adult woman relaxing on a beach. The girl's position obscures her genital area. Although a barely readable logo indicates that its source is the internet, the image cannot reasonably be regarded as sexual in nature. It has no sexual content and little evidence of a sexual purpose apart from the logo. It could well be a snapshot taken at a family occasion or naturist gathering. A viewer's predisposition to regard any image of nudity as having a sexual meaning may result in a sexual interpretation, but to others the image simply depicts a young girl with an adult in an environment where nudity may not be unusual.

There are no sexual elements in the image and it raises no issues under s3(1), s3A or s3B of the Films, Videos, and Publications Classification Act 1993. The printout must, therefore, be classified as unrestricted. This classification is consistent with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.